

REMARKS

Favorable consideration and allowance are respectfully requested for claims 1-35, 40 and 42 in view of the foregoing amendments and the following remarks.

The rejections of claims 36-39 under 35 U.S.C. § 112 as indefinite and as lacking enablement are respectfully traversed. These claims are cancelled by this amendment, without prejudice or any disclaimer of the subject matter therein. Dependent claim 41 is also cancelled by this amendment, without prejudice or any disclaimer of the subject matter therein. Accordingly, withdrawal of these rejections is respectfully requested.

The rejection of claims 28-31 under 35 U.S.C. § 112 as allegedly lacking enablement is respectfully traversed. Claim 28 is amended to delete diseases or conditions other than Alzheimer's disease. Paragraph 4 of the recent Office Action indicates the claims are enabled for Alzheimer's disease. Accordingly, withdrawal of this rejection is respectfully requested.

The rejection of claim 40 under 35 U.S.C. § 112 as allegedly lacking enablement for treatments other than for pain is respectfully traversed. Claim 40 is amended to delete diseases or conditions other than pain and also to change the word "medicament" to "pharmaceutical formulation" as recited in claim 20. Paragraph 6 of the recent Office Action indicates claim 40 is enabled for pain. Accordingly, withdrawal of this rejection is respectfully requested.

The rejection of claims 1-7 and 9-40 under 35 U.S.C. § 112 as allegedly lacking enablement in reciting solvates and hydrates is respectfully traversed. The pending claims are amended so that they no longer recite solvates or hydrates. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 5 is amended to make it independent, rather than dependent from claim 1. Claim 19 is amended to begin with "A substance" rather than the word "Substance." None of the foregoing amendments introduce any new issues for consideration.

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CONCLUSION

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Although a petition for an Extension of Time is submitted herewith, if necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #029310.52760US).

Respectfully submitted,

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